

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO CASES IDENTIFIED
ON THE ATTACHED EXHIBIT A:

ORDER

(Dismissing the “Ethicon Defendants” with Prejudice
and Transferring Cases to MDL 2326)

Pending in each of the individual civil actions listed on Exhibit A (attached hereto) is Defendants’ Motion to Dismiss with Prejudice filed by the Ethicon defendants as identified in the motions (collectively the “Ethicon defendants”) pursuant to the procedures established by Pretrial Order (“PTO”) # 302 or PTO # 329. *See* PTO ##s 302 and 329, *In re: Ethicon, Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, 2:12-md-2327 (“Ethicon MDL 2327”) [ECF Nos. 6020 or 7576].

The Ethicon defendants have complied with the procedures set forth in PTO # 302 and/or PTO # 329, and the plaintiffs have not filed an opposition. It appearing to the court that the plaintiffs and the Ethicon defendants have jointly agreed to settle, and have settled their claims, the dismissal of the Ethicon defendants in each case identified on Exhibit A is appropriate. Additionally, the court notes that dismissing the Ethicon defendants from these cases should leave no active defendants from MDL 2327.

For any case on Exhibit A that was subject to the Pretrial Order (Docket Control Order) entered on January 30, 2018, as amended on June 13, 2018 (hereinafter collectively referred to as

the “Omnibus PTO”) and is being transferred by this order to C. R. Bard, Inc. MDL 2187, American Medical Systems, Inc. MDL 2325, Boston Scientific Corporation MDL 2326 or Ethicon, Inc. MDL 2327, the court will no longer direct the Clerk to file in each individual case, the Omnibus PTO that corresponds to the MDL in which the case is being transferred.¹ All deadlines in the Omnibus PTO were the same across the MDLs cited above and all deadlines have since passed. Thus, the court finds it unnecessary to docket the corresponding Omnibus PTO for the MDL to which the case is being transferred. Any provisions of the Omnibus PTO continue to apply.

The court **ORDERS** that:

1. the Motion to Dismiss with Prejudice is **GRANTED**; and
2. the Ethicon defendants are **DISMISSED WITH PREJUDICE** from the actions listed on the attached Exhibit A;
3. if there are no remaining defendants in a civil action, then (a) that civil action is dismissed with prejudice and stricken from the docket and (b) any pending motions are **DENIED** as moot; and,
4. if other defendants remain in a civil action, then those actions are **TRANSFERRED** to MDL 2326, if necessary.

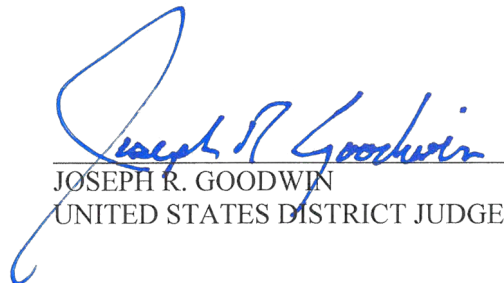
The court **DIRECTS** the Clerk to:

- (1) dismiss the Ethicon defendants from the individual civil action(s) with prejudice;
- (2) if no other defendants remain in an individual action, then (a) strike the action from the docket, and (b) close the case;

¹ The Docket Control Orders entered in MDL 2187 – Wave 7, MDL 2325 – Wave 3, MDL 2326 – Wave 4 and MDL 2327 – Wave 8, on January 30, 2018 (as amended on June 13, 2018), set identical discovery dates, and pretrial motion dates. The Docket Control Orders were identical except for the necessary changes to make it applicable to each MDL.

- (3) if there are remaining defendants in an individual action, then (a) if necessary, transfer the case to the MDL 2326, (b) disassociate the case from MDL 2327 and associate the case with MDL 2326, and (c) if the case has a Wave flag set from the Omnibus Order, then change the Wave flag to the appropriate Wave flag;
- (4) file a copy of this Order in MDL 2327 and in each individual case on the attached Exhibit A; and
- (5) send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 23, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

	Civil Action No.	Case Style	ECF No. of Motion
1	2:12-cv-03041	Heinsch, Brenda	23
2	2:12-cv-03043	Sergeant, Sandra & Kenneth	28
3	2:12-cv-06539	Howard, Vernie	44
4	2:12-cv-07321	Hawkins, Hallie & Jerry	31
5	2:12-cv-09900	Walker, Donna J. & James D.	16
6	2:13-cv-00809	Hernandez, Frances R.	20
7	2:13-cv-01510	Hebert, Nancy Braus & John N.	17
8	2:13-cv-02664	Ramsey, Frances & Daniel	21
9	2:13-cv-03118	Nance, Rema	18
10	2:13-cv-03529	Vogel, Kris I. & Michael	24
11	2:13-cv-05254	Richardson, Dawn & Steve	45
12	2:13-cv-08534	Brown, Cynthia & Charles	29
13	2:13-cv-10146	Madden, Lynn & Dennis	20
14	2:13-cv-12144	Charland, Joanne & Richard G.	18
15	2:13-cv-14992	Valerio, Nadine & Gennaro	16
16	2:13-cv-16435	Gould, Mary	17
17	2:13-cv-20549	Peabody, Brenda	14
18	2:13-cv-21852	Henderson, Dawn & Charles Gordon	18
19	2:13-cv-23377	King, Victoria & Greg	19
20	2:13-cv-23379	Baisden, Angela & Carlos	19
21	2:13-cv-26866	Square, Jules	16
22	2:13-cv-26912	Herriott, Elaine & Alexander	15
23	2:13-cv-29950	Zeller, Linda & David	17
24	2:14-cv-01502	Brown, Barbara Ann	17
25	2:14-cv-07618	Rextraw, Cheryl R. & James L.	16
26	2:14-cv-10869	Tomten, Tammi Jo & Allen	15
27	2:14-cv-13306	Crocker, Linda	15
28	2:14-cv-16291	Ahrens, Lisa & Ronald	17
29	2:14-cv-16648	Boothe, Julie	15
30	2:14-cv-18115	Marx, Nancy	24
31	2:14-cv-18755	Bergeron, Jean	14
32	2:14-cv-19944	Cantu, Joseph, as Personal Representative of the Estate of Leandra S. Cantu	15
33	2:14-cv-30531	Tomelleri, Elizabeth & Carlos	20
34	2:15-cv-04384	Rice, Eleanor L. & Fred W.	16
35	2:15-cv-05556	Spencer, Joyce	19
36	2:15-cv-08138	Mercer, Linda I. & Raymond K.	15
37	2:15-cv-11634	Alvarez, Eleanor & Pascual	26
38	2:16-cv-03117	Peters, Kelly Ann	13
39	2:16-cv-06432	Zupko, Maryann & Kenneth	12
40	2:17-cv-02189	Webster, Eva & Richard Howell	18